

REMARKS

Applicant thanks the Examiner for finding allowable subject matter in claims 5-7.

Applicant has amended claim 5 to appear in independent form. Withdrawn claims 11-14 have been cancelled without prejudice. Applicant has also amended claim 1 so as to recite expressly the limitations inherent in claim language prior to this Amendment. Applicant already explained these limitations in the Amendment filed March 9, 2011, and the Examiner has responded to applicant's explanations in the pending Action. Accordingly, no new matter has been added, and no new issues have been raised. Entry of this Amendment is respectfully requested.

Claims 1, 2 and 8-10 have been rejected under 35 USC 102(b) on Wallstén (WO 96/15741). Applicant respectfully traverses this rejection.

Claim 1 as amended recites a vibrator device having a roller configured to rotate about a rotary shaft at a position offset to the rotary shaft and states that the elastic tube is set in direct contact with the roller. The Examiner equates Wallstén's container 21 to the claimed elastic tube and Wallstén's rotary disc 69 to the claimed roller. See page 3 of the Action. In response to applicant's explanation in the previous Amendment that Wallstén's container 21 and Wallstén's rotary disc 69 are not in contact as claimed, the Examiner contends that Wallstén nonetheless discloses the claimed contact because the term "contact" is defined as "immediate proximity or association." See page 11 of the Action.

Claim 1 as amended requires that the elastic tube be in *direct* contact with the roller. Wallstén's container 21, which the Examiner equates to the claimed elastic tube, cannot be and is not in direct contact with Wallstén's rotary disc 69, which the Examiner equates to the claimed roller, because Wallstén's movable jaw 67 physically separates container 21 from rotary disc 69. See, for example, FIG. 5 of Wallstén.

The rejection of claims 1, 2 and 8-10 under 35 USC 102(b) on Wallstén should be withdrawn because Wallstén does not teach or suggest the claimed elastic tube in direct contact with the roller.

Claims 1-3 have been rejected under 35 USC 103(a) on Eshel (U.S. Patent No. 5,549,559). Applicant respectfully traverses this rejection.

Claim 1 as amended states that a predetermined direction of rotation of the roller extends from the side of the base end portion of the elastic tube in a longitudinal direction of the elastic tube to the side of the top end portion thereof in the longitudinal direction. The Examiner equates Eshel's peristaltic tube 66 to the claimed elastic tube and Eshel's roller 65 to the claimed roller. See page 7 of the Action. In the previous Amendment, applicant explained that Eshel's peristaltic tube 66 is applied around roller 65 and thus does not disclose the claimed direction of rotation in the longitudinal direction.

In the Action, the Examiner states that the longitudinal limitation is not recited in claim 1 as presented in the previous Amendment. See page 11 of the Action. Applicants has amended claim 1 to expressly include this longitudinal direction limitation. The Examiner has failed to point to any disclosure in Eshel corresponding to this limitation.

The rejection of claims 1-3 under 35 USC 103(a) on Eshel should be withdrawn because Eshel does not teach or suggest the limitation that the direction of rotation of the roller extends from the side of the base end portion of the elastic tube in a longitudinal direction of the elastic tube to the side of the top end portion in the longitudinal direction.

The remaining obviousness rejection relies on Eshel and thus should be withdrawn as well because Eshel does not provide the teachings for which it is cited.


In light of the above, a Notice of Allowance is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions

for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952**, referencing Docket No. **360882016200**.

Respectfully submitted,

Dated: August 26, 2011

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